

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CHRISTOPHER NORRIS NOLAN,	:	HABEAS CORPUS
Petitioner,	:	28 U.S.C. § 2241
	:	
v.	:	
	:	
J. A. KELLER,	:	CIVIL ACTION NO.
Warden, U.S.P. Atlanta,	:	1:10-CV-3490-TWT-GGB
Respondent.	:	

**MAGISTRATE JUDGE'S FINAL
REPORT AND RECOMMENDATION**

Petitioner, Christopher Norris Nolan, has submitted this federal habeas corpus petition in which he seeks to challenge his armed-career-offender classification in his 1996 conviction in this Court, United States v. Nolan, No. 1:96-CR-0236-WBH-1 (N.D. Ga. Sept. 6, 1996). (Doc. No. 1.) On November 8, 2010, the Magistrate Judge entered an Order directing Petitioner to submit, within thirty (30) days, either the \$5.00 filing fee or a financial affidavit seeking leave to proceed in forma pauperis. (Doc. No. 4.) In that Order, (1) Petitioner was advised that failure to comply with that directive within the specified period of time could result in the dismissal of the action, and (2) the Clerk was directed to resubmit this action at the expiration of the above time period.

The time period having expired, the matter is again before the Court. As of January 6, 2011, the records of the Clerk of Court indicate that Petitioner has not submitted the applicable filing fee or a completed financial affidavit.

It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**, due to Petitioner's failure to comply with a lawful order of this Court. Local Rule 41.3(A)(2), N.D.Ga.

IT IS SO RECOMMENDED, this 6th day of January, 2011.

Gerrilyn G. Brill
GERRILYN G. BRILL
UNITED STATES MAGISTRATE JUDGE